

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESAL PRICE LITIGATION)))))	MDL NO. 1456 Civil Action No. 01-12257-PBS Subcategory Case No. 03-10643-PBS
THIS DOCUMENT RELATES TO: <i>The City of New York, et al.,</i> v. <i>Abbott Laboratories, et al.</i>))))))	Judge Patti B. Saris

**JOINT MOTION TO AMEND THE 120-DAY ORDER OF DISMISSAL
AS TO SANDOZ INC.**

Plaintiffs The City of New York and New York Counties in MDL 1456 (collectively “NY Counties”) and defendant Sandoz Inc. (“Sandoz”) hereby move the Court to amend the 120-Day Order of Dismissal of October 31, 2011(Doc. # 7871, Sub-Doc. # 307) to allow an additional forty-five (45) days for the parties to obtain the requisite signatures needed to finalize their settlement agreement in principle before the Order of Dismissal becomes final.

On October 14, 2011, the Court was advised that counsel for NY Counties and Sandoz had reached an agreement in principle to resolve all claims against Sandoz in the above-entitled action to recommend to their respective clients.¹ On October 25, 2011, NY Counties and Sandoz sought a 120-Day Order of Dismissal as it would take some time to draft and negotiate the details of the settlement documents and obtain the requisite signatures to finalize their agreement in principle. Doc. # 7858, Sub-Doc. # 306. The Court entered an Order of Dismissal on October 31, 2011 allowing the parties 120 days to finalize the settlement. Doc. # 7871, Sub-Doc. # 307.

In the time since the October 31, 2011 Order, counsel for NY Counties and Sandoz have

¹ On June 23, 2011, NY Counties reported to the Court that, except for defendant Sandoz Inc., it had settled or reached agreements in principle to resolve all claims against all other defendants in this action, which are subject to a separate extended order of dismissal and time frame.

negotiated diligently and in good faith and have agreed on the details of their settlement agreement and related documents. The only remaining task to finalize the agreed-upon settlement is to obtain the requisite signatures of the parties. NY Counties and Sandoz do not anticipate problems finalizing the settlement agreement by April 13, 2012.

For the foregoing reasons, it is respectfully requested that the Court modify its 120-day Order of Dismissal of October 31, 2011 to allow NY Counties and Sandoz up to and including April 13, 2012 to finalize their settlement agreement before the dismissal with prejudice contemplated by the Order of Dismissal becomes final.

Dated: March 1, 2012

Respectfully submitted,

KIRBY McINERNEY LLP

By: /s/ Joanne M. Cicala
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CERTIFICATE OF SERVICE

I, James P Carroll Jr, hereby certify that I caused a true and correct copy of the foregoing **JOINT MOTION TO AMEND THE 120-DAY ORDER OF DISMISSAL AS TO SANDOZ, INC.** to be served on all counsel of record via electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by submitting a copy to Lexis/Nexis File & Serve for posting and notification to all parties.

Dated: March 1, 2012

/s/ James P. Carroll Jr
James P. Carroll Jr.